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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)	
SONY-50N3456.01	

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on ___11/23/05___	Application Number	Filed
	09/596,853	6/19/00
Signature _Katherine Rinaldi_	**First Named Inventor**	
	Sho Kou	
Typed or printed name Katherine Rinaldi	Art Unit	Examiner
	2611	Nalevanko, C. R.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number ___48,098___

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Reginald A. Ratliff
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11/23/05
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of ___1___ forms are submitted.

REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the final Office Action dated July 28, 2005, Applicants respectfully request a review of the final rejection in the above-identified application. Applicants respectfully submit that the Examiner's rejections of the Claims are improper as an essential element needed for a proper prima facie rejections is missing (e.g., the teaching of all of the recited claim limitations). Claims 1-3, 6-17 and 30 are rejected under 35 USC 103(a) as being unpatentable over Ozkan et al. in view of Klosterman et al. Claims 23-29 are rejected under 35 USC 103(a) as being unpatentable over Ozkan.

KEY CLAIM LIMITATIONS THAT ARE NOT MET BY THE CITED REFERENCES

Ozkan and Klosterman et al., either alone or in combination, do not teach or suggest the sharing of information between a first and a second device in the manner set forth in Claims 1, 11 and 23. More specifically, Ozkan et al. does not teach or suggest expressly recited interactions between the recited first and second device or the expressly recited functionality of the respective devices as set forth in Claims 1, 11 and 23. And, Klosterman et al. does not teach or suggest a modification of Ozkan et al. that would remedy these deficiencies.

Claim Limitations Having To Do With The Interaction Between The Recited First And Second Device That Are Not Met By The Cited References

Claim 1 (Claims 11 and 23 contain similar limitations) sets forth a receiving system wherein: (1) a first device receives a television bit stream, (2) a second device configures a command related the bit stream that is issued to the first device, and (3) the

first device responds to the command by returning one of a plurality of tables to the first device.

In the final Office Action, the Examiner has referenced column 3, lines 47-52 and column 5, lines 35-62 as containing subject matter that teaches the aforementioned limitations of Claim 1 (Claims 11 and 23 contain similar limitations). The Examiner equates the recited interaction between the first and second device (issuing of a table by the second device in response to a command received from the first device) with the function of processor 60 in configuring components 13, 15 and 17 and in setting control register values. However, the equating of these elements as is proposed by the Examiner is contradicted by subject matter that is disclosed by Ozkan et al. At column 4, lines 3-15, Ozkan et al. discloses that processor 60 itself assembles information into tables and thus does not receive the tables from another component in response to commands that it sends to another component as is required to meet the aforementioned limitations of Claim 1 (Claims 11 and 23 contain similar limitations). Moreover, as mentioned above Klosterman et al. does not teach or suggest a modification of Ozkan et al. that would remedy this deficiency of the Ozkan et al. reference. In fact, Klosterman et al. is not employed by the Examiner to address this deficiency (see discussion below). Accordingly, the aforementioned limitations are not taught or suggested by Ozkan et al. and Klosterman et al. and thus an essential element needed for a prima facie rejection based on the cited references is not present.

Claim Limitations Having To Do With The Functionality of The First And Second Device That Are Not Met By The Cited References

Ozkan et al. and/or Klosterman et al. do not teach or suggest the command configuring functionality of the second device as defined in Claim 1 (Claims 11 and 23 contain similar limitations). More specifically, Ozkan et al. and/or Klosterman et al. do not teach or suggest a second device that performs operations that include "setting a value in an attribute field of a command, said command for requesting a table of a plurality of tables" and "setting at least one flag of a plurality of flags in said command, said step of setting defining the type of table said attribute field describes" as is recited in Claim 1 (Claims 11 and 23 contain similar limitations). In order to meet the limitations of Claim 1 a reference or combination thereof must teach a component that: (1) issues a command to a first device for a table of a plurality of tables, (2) sets a value in an attribute field of the command, and (3) has a table returned to it in response to the command.

Ozkan et al. and/or Klosterman et al. do not teach the aforementioned limitations of Claim 1 (Claims 11 and 23 contain similar limitations). In order to teach the aforementioned limitations of Claim 1 Ozkan et al. would have to first teach processes that involve the use of a command issued by one system component (e.g., processor 60) to another system component as a means of obtaining tables. It should be appreciated that as discussed above, the structure disclosed in Ozkan et al. that is equated to the recited second device is processor 60. However, processor 60 does not use a command to elicit tables from other components as processor 60 assembles tables for itself. Ozkan et al. discloses that processor 60 assembles the tables from program specific information that is not directed to it in response to a command but under the direction of unit 22 (column 3, lines 53-57). As such, the limitations of Claim 1 (Claims 11 and 23 contain similar limitations) that pertain to the configuration of the command for a table (e.g., setting a

value in an attribute field) are not taught or suggested since clearly such configuration is not possible in the absence of an associated command.

Klosterman et al. is employed by the Examiner to remedy admitted deficiencies of the Ozkan et al. reference. The Examiner contends that Klosterman et al. teaches that "the command attribute field refines identification of information being requested" (page 3 of the final Office Action). Assuming arguendo that all of the Examiner's contentions regarding the teaching of Klosterman et al. are correct, the invention would still not be taught or suggested because the basic deficiency outlined above regarding the absence of a command issued by processor 60 for tables would not be remedied. In essence there is no command that is disclosed by Ozkan et al. that is available to be modified so as to be equated to the command that is recited in Claim 1 (Claims 11 and 23 contain similar limitations). Consequently, even a combination of Ozkan et al. and Klosterman et al., that includes the Examiner's own interpretation of what is taught by Klosterman et al. results in a critical limitation not being met.

Differences Between The Command Disclosed By Klosterman et al. And The Command
Set Forth In The Claims

It is very important to note that the commands that are disclosed by Klosterman et al. are very different from those that are recited in Applicants' Claim 1 (Claims 11 and 23 contain similar limitations). In fact, the command that is disclosed by Klosterman et al. and referenced by the Examiner performs a substantially different function, in a substantially different way and yields a substantially different result than the command that is recited in Claim 1. Klosterman et al. discloses at page 3, paragraph 0029 that the

referenced commands are issued from a remote control as a means of controlling target peripheral devices (e.g., VCR's, set top boxes, TV's etc.) and are not issued for the purpose of obtaining a table. Moreover, the command in Klosterman et al. is issued from a remote control device and is sent to a target device and is not issued from one receiving system component to another receiving system component as is recited in Claim 1. Finally, the result of the issuance of the command disclosed in Klosterman et al. is the controlling of a target device and not the obtaining of a table. Consequently, the command that is disclosed by Klosterman et al. is substantially different from the command that is set forth in Applicants' Claims and thus cannot possibly provide a basis for a modification of Ozkan et al. that would remedy the deficiencies of Ozkan et al. that are outlined above.

In summary, Applicants respectfully submit that the Examiner's rejections of the Claims are improper as key limitations needed for proper prima facie rejections of Applicants' Claims are not met by the cited references as outlined above. Moreover, because key limitations of independent Claims 1 and 11 (from which Claims 2-3, 6-10, 12-17 and 30 depend) are not met by Ozkan et al. in view of Klosterman et al., Applicants respectfully submit that the rejection of Claims 1-3, 6-17 and 30 under 35 USC 103(a) as being unpatentable over Ozkan et al. in view of Klosterman et al. is improper and should be reversed. Additionally, because key limitations of independent Claim 23 (from which Claims 24-29 depend) are not met by Ozkan et al., the rejection of Claims 23-29 under 35 USC 103(a) as being unpatentable over Ozkan et al. is improper and should be reversed.